

CITY OF MILFORD
SPECIAL MEETING
SEPTEMBER 11, 2001
MINUTES

A special meeting of the Mayor and Council of the City of Milford, Nebraska was held at the City Hall Office in said City on the 11th day of September, 2001 at 8:00 pm. Present were: Mayor J. Elaine Plessel; Council members: Scott Burroughs, Gary Cooper, Rick Fortune, Lyle Neal; Attorney Robert Blevens; City Clerk Jeanne Hoggins. Also present: MaryAnn Rowe, Robert Anderson, Shane Huxall with Olsson Assoc., Mark & Carma Meierdierks, Dennis Kubicek with Marvin E. Jewell and Chief of Police Forrest Siebken.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: Mayor Plessel called the meeting to order at 8:00 p.m.

With the Council's permission the Mayor changed the agenda as follows:

NEW BUSINESS:

INTRODUCTION AND ADOPTION OF RESOLUTION: 2001-2002 BUDGET

After due consideration, Fortune moved the adoption of the following Resolution, which was seconded by Cooper.

RESOLUTION # 378 ADOPTING BUDGET

WHEREAS, the Mayor and Council of the City of Milford, Nebraska have proposed a budget for the fiscal year 2001-2002; and

WHEREAS, a public hearing has been held upon said proposed budget; and

WHEREAS, no objections or remonstrances have been made concerning said budget; and

WHEREAS, the budget shall be adopted in the form as presented.

NOW, THEREFORE, BE IT RESOLVED that the annual budget of the City of Milford, Nebraska, be and the same hereby is adopted as follows:

GENERAL FUND

General Government	2,631,877.00
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Cash Reserve	1,653,779.00
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Total	4,285,656.00
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BOND FUND

Principal & Interest	837,100.00
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Cash Reserve	29,100.00
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Total 866,200.00

BE IT FURTHER RESOLVED that the portion of said expenditures to be raised by public taxation collected by a property tax levied upon the assessed valuation of property in the City of Milford, Nebraska in the following sums, to-wit:

General All Purpose Levy	131,300.00
Bond Levy	202,000.00
Total	333,300.00

BE IT FURTHER RESOLVED that the Clerk is hereby ordered and directed to certify to the County Clerk of Seward County, Nebraska the taxes levied under this Resolution.

Upon roll call vote, the vote was as follows: Voting "AYE": Fortune, Cooper, Burroughs, Neal. Voting "NAY": None Absent and not voting: None

The Mayor declared said Resolution duly adopted and directed the Clerk to file a copy thereof with the County Clerk of Seward County.

Jeanne Hoggins, City Clerk

J. Elaine Plessel, Mayor

INTRODUCTION AND ADOPTION OF ORDINANCE: 2001 – 2002 BUDGET:

Council member Burroughs introduced the following ordinance:

ORDINANCE NO. 717

“THE ANNUAL APPROPRIATION BILL OF THE CITY OF MILFORD, NEBRASKA, FOR THE FISCAL YEAR FROM OCTOBER 1, 2001 TO SEPTEMBER 30, 2002; TO PROVIDE FOR THE LEVYING OF TAXES FOR THE USE OF THE CITY OF MILFORD, NEBRASKA, FOR ALL MUNICIPAL PURPOSES FOR SAID FISCAL YEAR AS SHOWN ON THE ASSESSMENT ROLL FOR SAID YEAR, AND TO PROVIDE FOR CERTIFYING ALL TAX LEVIES AND DELINQUENT SPECIAL ASSESSMENTS TO THE COUNTY CLERK OF SEWARD COUNTY, NEBRASKA; AND TO PRESCRIBE THE TIME THIS ORDINANCE SHALL BE IN FORCE AND TAKE EFFECT.” (See Ordinance Record)

INTRODUCTION AND ADOPTION OF RESOLUTION: FINAL MILL LEVY:

Council member Neal introduced the following resolution, which was seconded by Burroughs.

RESOLUTION #379

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA:

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of Milford passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interests of the City of Milford that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, the Governing Body of the City of Milford, by a majority vote, resolves that:

1. The 2001 – 2002 property tax request be set at:

		<u>Levy</u>
REQUIRED FOR BONDS	\$202,000	.3293
REQUIRED FOR ALL OTHER PURPOSES	\$131,300	.2141
TOTAL PROPERTY TAX REQUEST	\$333,300	.5434

2. A copy of this request be certified and forwarded to the Seward County Clerk on or before October 13, 2001.

Upon roll call vote as follows: Neal yes, Burroughs yes, Cooper yes, Fortune yes. Motion carried.

J. Elaine Plessel, Mayor

Jeanne Hoggins, City Clerk

UNFINISHED BUSINESS:

Water Damage: Meierdierks & Rediger: Shane Huxall with Olsson Associates presented a design of the property located south of 1st street to the alley and between “A” & “B” Streets. The drawing was designed after a survey of the alley had been completed to show how the water was being conveyed down the alley. The main focus was the elevation of land and the flow of water for a 10-year frequency. Mr. Huxall noted that the flow of water and/or runoff headed in a southeasterly direction bottle necking between the alley and the southwest corner of the Sister Act greenhouse. The second drawing broke the greenhouse down into 3 sections. The south-west corner of the greenhouse showed a slight problem with the grade. It is slightly higher than the 10-year frequency calculated out. The middle and east sections calculated to exceed the requirements of the 10-year frequency. A 10-year event is calculated at roughly 5 ¾” of rainfall. Mr. Huxall noted that it would be difficult for him to determine any flow conditions without actually seeing what was previously there. He did note that the asphalt meets the undisturbed alley, which indicates the alley was not raised higher than the original surface. Mr. Huxall suggested a storm sewer drainage that day-lighted at the end of the alley or the more expensive route would involve an outlet to the existing storm sewer. Burroughs noted that discussion to repair the alley be held separately. It was asked of Mr. Huxall if the hot water heaters placed in the back of the Milford Plumbing Store is causing more of a problem with the water flow. He thought the pile of heaters might spread out the flow but possibly send some water into the side of the greenhouse. Mr. Huxall also brought to the Council’s attention that 2 down spouts are dumping out

directly at the foundation of the buildings, which can cause problems. These need to be extended out away from the buildings foundation. The Mayor and Council thanked Mr. Huxall for his presentation. Attorney Blevens had reviewed the liability section of the City's Insurance Policy, which noted no coverage for flooding or surface water damage. Blevens also looked at the linebacker Errors & Omission section of the policy, which excludes coverage of physical property damage. Blevens suggested appointing 1 or 2 members to meet with Meierdierks and go thru the damages and come to a conclusion. Fortune stated that the alley was not hard surfaced to cause any harm to the Sister Act business and if the insurance company has denied the claim and the City denies coverage then a court claim needs to be filed. Fortune was questioning the way the loss of damages was presented to the Council and that there are still some questions that need to be answered. Carma Meierdierks noted that she has been very generous with the claim she submitted and if the committee meets and discovers a larger monetary amount than what she submitted, is the City willing to pay her more? Burroughs still questions, who is at fault or what happened to cause this damage? Cooper wondered if the City paid this claim would they be setting precedent for any future claims. A few members of the Council did not feel they were qualified to assess the damages. It was mentioned that Attorney Blevens and Mayor Plessel work with Meierdierks to determine damages and bring the information back to the Council. Neal questioned other factors causing the water damage other than just the alley. This item will be placed on the October 2, 2001 agenda.

ADJOURNMENT: A motion was made by Neal and seconded by Burroughs to adjourn the meeting. Roll call vote: Neal yes, Burroughs yes, Cooper yes, Fortune yes. Motion carried and meeting adjourned at 9:11 pm.

City Clerk

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on September 11, 2001 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk